

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

2021 OCT 29 A 11:42

SEAL, )  
Plaintiff, )  
 )  
v. )  
 )  
SEAL, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Civil Action No.

FILED EX PARTE AND UNDER SEAL  
PURSUANT TO 31 U.S.C. § 3729 et seq.

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

2021 OCT 29 A 11:42

UNITED STATES OF AMERICA )  
*ex rel.* JOHN DOE, )  
 )  
Plaintiff/Relator, )  
 )  
v. )  
 )  
CREDIT SUISSE AG, )  
 )  
Defendant. )  
\_\_\_\_\_ )

**Under Seal**

NO.: 21-cv-224-CMH

GOVERNMENT'S NOTICE OF ELECTION TO  
DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. *Id.* The United States reserves its rights to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim.

The United States also requests that it be served with all notices of appeal.

Finally, the United States requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Dated: October 29, 2021

Respectfully submitted,

JESSICA D. ABER  
UNITED STATES ATTORNEY

BY:



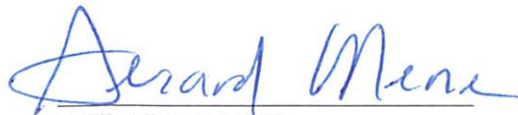
WILLIAM HOCHUL III  
GERARD MENE  
Counsel for the United States  
Assistant United States Attorneys  
2100 Jamieson Ave.  
Alexandria, Virginia 22314  
Tel: (703) 203-7122  
(703) 299-3777  
Fax: (703) 299-3898  
Email: William.Hochul2@usdoj.gov  
Gerard.Mene@usdoj.gov

JAMIE ANN YAVELBERG  
ALLISON CENDALI  
DAVID W. TYLER  
Attorneys, Civil Division  
Commercial Litigation Branch  
U.S. Department of Justice  
P.O. Box 261, Ben Franklin Station  
Washington, D.C. 20044  
Tel: (202) 305-3988  
Fax: (202) 514-7361

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of October, 2021, I caused a copy of the  
GOVERNMENT'S NOTICE OF ELECTION TO DECLINE INTERVENTION and proposed  
ORDER to be served by mail upon:

Jeffrey A. Neiman  
Marcus Neiman Rashbaum & Pineiro LLP  
100 Southeast Third Avenue  
Suite 805  
Fort Lauderdale, Florida 33394



GERARD MENE  
Counsel for the United States  
Assistant United States Attorneys  
2100 Jamieson Ave.  
Alexandria, Virginia 22314  
Tel: (703) 299-3777  
Fax: (703) 299-3898  
Email: Gerard.Mene@usdoj.gov